

# State of South Dakota

EIGHTY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2006

831M0464

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

**SB 138** - 02/08/2006

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: Senators Adelstein, Broderick, and Duniphan and Representatives Hennies, Howie, McLaughlin, and Van Etten

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the appointment of  
2 an agent to receive any legal process.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 15-7-6 be amended to read as follows:

5 15-7-6. The use and operation by a resident of this state or ~~his~~ the resident's agent, or by a  
6 nonresident or ~~his~~ the nonresident's agent of a motor vehicle within the State of South Dakota,  
7 shall be deemed an irrevocable appointment by ~~such~~ the resident or ~~his~~ the resident's agent when  
8 ~~he~~ the resident has been absent from this state continuously for ~~six months~~ ninety days or more  
9 following a motor vehicle accident, or by ~~such~~ the nonresident or ~~his~~ the nonresident's agent at  
10 any time, of the secretary of state of South Dakota to be his or her true and lawful attorney upon  
11 whom may be served all legal process in any action or proceeding against ~~him~~ the resident or  
12 nonresident or his or her personal representative growing out of such use and operation of a  
13 motor vehicle within this state, resulting in damages or loss to person or property, whether the  
14 damage or loss occurs on a highway or on abutting public or private property. ~~Such~~ The



1 appointment is binding upon the nonresident's personal representative. ~~Such~~ The use or  
2 operation of a motor vehicle by ~~such~~ the resident or nonresident is a signification of ~~his~~ the  
3 resident's or nonresident's agreement that any such process in any action against ~~him~~ the resident  
4 or nonresident or his or her personal representative which is so served, shall be of the same legal  
5 force and validity as if served upon ~~him~~ the resident or nonresident personally or on ~~his~~ the  
6 resident's or nonresident's personal representative.